



City of Emeryville

CALIFORNIA

MEMORANDUM

DATE: June 3, 2025

TO: LaTanya Bellow, City Manager

FROM: Mohamed Alaoui, Public Works Director

SUBJECT: **Resolution Of The City Council Of The City Of Emeryville Authorizing The City Manager To 1) Enter Into An Amendment To An Existing Cooperative Funding Agreement With East Bay Regional Parks District To Receive Grant Funds To Design And Construct The McLaughlin Eastshore State Park Improvements Project, And 2) Accept And Expend Funds From The East Bay Regional Parks District For This Project In An Amount Not To Exceed One Hundred Twenty Thousand Dollars**

RECOMMENDATION

Staff recommends that the City Council adopt the above-titled resolution.

BACKGROUND

The City (City) has historically endured a chronic flooding issue on Powell Street in the area adjacent to the “uplands” region of McLaughlin Eastshore State Park (MESSP). The “uplands” region is the area of park bounded by Interstate 80, Alameda County Fire Station No. 34, the south side of Powell Street, and the shoreline. This land is owned and operated by East Bay Regional Park District (EBRPD), and any work performed on MESSP land must be done with permission from that agency.

The City of Emeryville owns and operates a stormdrain outfall pipe that traverses the uplands area and delivers stormdrain runoff to the ocean. As tides have risen, the outlet of the pipe has been sealed shut by tidal backflow. This manifests in an overflow at the upstream drain inlet during the storm season, causing Powell Street to experience flooding. The City has mitigated the flooding by temporarily operating a gas-powered pump at the inlet and pumping the backed-up storm water from the inlet over MESSP land to the ocean. This requires the Public Works Department to assign an Operations & Maintenance (O&M) staff member to continually monitor the pump to ensure that the flooding is mitigated.

The City has previously approached EBRPD for a permit to construct a passive draining facility or park feature to mitigate the flooding. This is in recognition that rising tides will greatly increase the required frequency of cleaning the outfall. Rather than commit O&M staff and funding to this effort, the City proposed reconfiguring the grading of the slope of park land to allow stormwater to drain over land instead. This would eliminate the possibility of tidal backflow thus blocking stormwater runoff. The City created CIP# CF-01 “Powell Street Bioswale” project for this effort.

EBRPD agreed to grant a conditional permit to the City to perform this work. As part of the conditions of this permit, the City must act as the lead agency in constructing improvements to the uplands area of MESSP. In addition, EBRPD is providing grant funds to the City for the park improvements. In order for the City to utilize these funds, the City entered into a Cooperative Agreement with EBRPD as authorized by the City Council pursuant to Resolution No. 24-114.

DISCUSSION

After the City and EBRPD successfully entered into the Cooperative Funding Agreement, the document was forwarded to the California State Coastal Conservancy to demonstrate that the two agencies are prepared to commence design of the project. The Coastal Conservancy reviewed the agreement and mandated that the agreement be amended to include additional language in the “Recitals” section. The first amendment to the agreement is included as Exhibit A. The added language includes:

- Provisions for EBRPD to review design plans in multiple phases prior to development of final construction drawings.
- That the City will commit to construction of the project provided it receives environmental clearance and grant funding remains available for construction.
- That the City will continue to maintain the Stormdrain facilities that it owns on EBRPD land, and EBRPD will continue to maintain its land and all other improvements upon it.

FISCAL IMPACT

This amendment to the agreement does not seek to adjust funding or budget, so there is no fiscal impact.

STAFF COMMUNICATION WITH THE PUBLIC

Staff has not communicated with the Public.

CONFLICT OF INTEREST

None.

CONCLUSION

Adoption of this resolution will authorize the City Manager to enter into a cooperative funding agreement (CFA) with East Bay Regional Parks District (EBRPD) to construct park improvements in McLaughlin Eastshore State Park and accept and expend funds from EBRPD for this project in an amount not to exceed one hundred twenty thousand dollars.

PREPARED BY: Nikolas Ignacio, Associate Civil Engineer

**APPROVED AND FORWARDED TO THE
CITY COUNCIL OF THE CITY OF EMERYVILLE:**



LaTanya Bellow, City Manager

ATTACHMENTS

- Attachment A – Resolution No. 24-114
- Attachment B – Cooperative Funding Agreement
- Draft Resolution
 - Exhibit A – EBRPD Cooperative Funding Agreement 1st Amendment